

## Message Text

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11

ACTION SCS-03

INFO OCT-01 EA-07 ISO-00 L-03 /014 W

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P 140050Z AUG 75

FM AMCONSUL HONG KONG

TO DEPARTMENT OF JUSTICE PRIORITY

INFO SECSTATE WASHDC PRIORITY 6391

SECDEF PRIORITY

US ARMY CID COM PRIORITY

LIMITED OFFICIAL USE HONG KONG 9340

JUSTICE FOR JAMES HERGEN, CIVIL DIVISION, AND JAMES GRAHAM  
CRIMINAL DIVISION, ONLY

COMUSACIDC FOR CIOP-FR, MR. DKETO, ONLY  
FROM RISTAU

E.O.11652: NA

TAGS: CGEN

SUBJECT: U.S. V. SIMMONS

1. RE AUTHENTICATION OF BANK RECORDS, HONG KONG AUTHORITIES  
WILL NOT PERMIT FOREIGN POLICE OFFICIALS (LIKE U.S. MARSHALS)  
TO PERFORM FORMAL POLICE FUNCTIONS IN HONG KONG THUS,  
SEC.3491 DEPOSITION PROCEEDINGS NOT POSSIBLE. (FYI: IF  
U.S. MARSHALS WERE TO ACCOMPANY SIMMONS "UNOFFICIALLY" THEY  
COULD NOT CARRY WEAPONS OR USE FORCE: NOTHING WOULD  
PREVENT SIMMONS FROM LEAVING THEIR "COMPANY". IF  
PHYSICAL RESTRAINT WERE USED, HAMPTON COULD INVOKE  
AID OF LOCAL COURTS TO REGAIN SIMMONS' FREEDOM  
(HABEAS CORPUS), AND MARSHALS MIGHT BE SUBJECT TO  
CRIMINAL PROCEEDINGS. END FYI.)

2. AM HOPEFUL TO OBTAIN VOLUNTARY COOPERATIONS FROM  
BANKS, LOCAL WITNESSES. COUNSEL ARRANGING FOR MEETING  
WITH CITIBANK AND CHARTERED BANK. RHKP EXPLAINING  
SITUATION TO ALL BANKS IN EFFORT TO HAVE THEM APPROVE  
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TRAVEL OF WITNESSES TO U.S.

3. LOCAL COUNSEL HAS ADVISED IN STRONGEST TERMS AGAINST MY DELIVERING LETTER TO SAKAI PERSONNALLY, WITHOUT GOING THRU HAMPTON. WILL FOLLOW ADVISE AND DELIVER LETTER ON FRIDAY EITHER IN PRESENCE OF HAMPTON(IF SAKAI CAN BE LOCATED), OR TO HAMPTON, IN HIS CAPACITY AS SAKAI'S COUNSEL.

4. DISCUSSION WITH LOCAL SOLICITORS AND BARRISTERS TO DATE SHOW THAT THEY ARE MOST CONCERNED ABOUT OUR INABILITY TO DEMONSTRATE EXACTLY WHAT ARRANGEMENTS WERE MADE BY DAO (PROBABLY SIMMONS PERSONALLY) WITH NATIONAL BANK OF VIETNAM TO DEPOSIT TREASURY CHECKS (ASSUMING THEY WERE IN FACT DEPOSITIED IN SIAGON). AND TO MAKE PAYMENTS THEREAFTER TO POL SUPPLIERS. HAVE ALREADY STRESSED IN MY TALKS WITH MG BALDWIN AT FT. SHAFTNER LAST FRIDAY THAT IT IS IMPERATIVE THAT THAT ASPECT OF CASE BE INVESTIGATED IMMEDIATELY. CHASE MANHATTAN IN NYC, WHICH SOMEHOW ACTED AS COLLECTING AGENT FOR NATIONAL BANK OF VIETNAM, SHOULD BE ABLE TO SHED SOME LIGHT ON THAT ASPECT.

5. REQUEST CID TO FURNISH FLU AND GRAHAM SOONEST COPY OF "BRIEFING PAPER" PREPARED BY SIMMONS ON 16 FEB 74 FOR COL DAY, ON OCCASION OF DAY'S BRIEFING ON SECRETARY BERG ON POL PROCUREMENT PROGRAM. REFERENCE IS MADE IN DAY'S RECENT STATEMENT TO THAT PAPER. LOCAL COUNSEL HERE HAVE COPY OF THAT PAPER AND IT SHEDS CONSIDERABLE ADDITIONAL LIGHT ON WHOLE POL PROGRAM.  
CROSS

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## Message Attributes

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**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** n/a  
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**Disposition Approved on Date:**  
**Disposition Authority:** greeneet  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
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**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** U.S. V. SIMMONS  
**TAGS:** CGEN  
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